

NEBRASKA ADMINISTRATIVE CODE

TITLE 429, NEBRASKA ADMINISTRATIVE CODE, CHAPTER 2
NEBRASKA STATE TREASURER

RULES AND REGULATIONS FOR THE NEBRASKA LONG-TERM CARE
SAVINGS PLAN

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TITLE 429- NEBRASKA LONG-TERM CARE SAVINGS PLAN

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CARE SAVINGS PLAN

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Title 429 – Nebraska Long-Term Care Savings Plan

CHAPTER 2 RULES AND REGULATIONS FOR THE NEBRASKA LONG-TERM CARE SAVINGS PLAN

01 Purpose. The purposes of these Rules and Regulations are to establish procedures for the operation and administration of the Long-Term Care Savings Plan and define terms codified in the ACT as established by LB 965 of the Ninety-Ninth Legislature and signed into law by the Governor of Nebraska on April 13, 2006 to be codified at Neb.Rev.Stat. Sections 77-6101 to 77-6105 and Section 77-2716 11 (a)(b); to define terms established in the act;

02 Definitions.

Adult day service (ADS) means a person or any legal entity which provides care and an array of social, medical, or other support services for a period of less than 24 consecutive hours in a community-based program to four or more persons who require or request such services due to age or functional impairment.

Account means the separate account created by an Account Agreement entered into between each Participant and the Participating Financial Institution. Unless otherwise allowed by the Code and Act, each Account shall have one Participant.

Activities of Daily Living means eating, mobility, toileting, transferring, bathing, dressing, and continence.

Act means the Long-Term Care Savings Plan Act.

Attendant Services means services provided to non-medically fragile persons, including hands-on assistance with activities of daily living, transfer, grooming, medication, reminders, and similar activities.

Assistive Technology and Supports (ATS) means specialized medical equipment and supplies which include devices, controls, or appliances which enable a Participant to increase their abilities to perform Multiple Basic Life

Functions independently or to perceive, control or communicate with the environment in which they live.

Basic Therapeutic Care means basic health care procedures including but not limited to measuring vital signs, applying hot and cold applications and non-sterile dressings, and assisting with, but not administering internal and external medications which are normally self-administered. Basic therapeutic care does not include health care procedures which require exercise of nursing or medical judgment.

Beneficiary means an individual designated by a Participant, or one who is designated as the new Beneficiary when Beneficiaries are changed.

Care means the exercise of concern or responsibility for the comfort, welfare and habilitation of persons, including a minimum amount of supervision and assistance with or the provision of Personal Care or Services, Activities of Daily Living, Health Maintenance Activities, or other supportive services.

Cash means lawful United States Currency and shall include but not be limited to cash, checks (other than travelers checks), money orders, payroll deductions, automatic contribution plans and electronic funds transfers, or similar means of payment accepted by the Participating Financial Institution. Cash shall not include real or non-cash personal property.

Code means the present Internal Revenue Code and regulations of the United States.

Health Maintenance Activities means noncomplex interventions which can safely be performed according to exact directions, which do not require alteration of the standard procedure, and for which the results and Participant's responses are predictable.

Home means a Participant's permanent or temporary residence, other than a hospital or Long-Term Care Facility.

Home Health Services means the use of a trained, supervised agency employee to provide nursing care and other Therapeutic Services.

Home Modifications means physical adaptations necessary for the Participant to remain in their Home. They may include but are not limited to, the installation of ramps and grab bars; widening of doorways; modification of bathroom facilities, or installation of specialized electric and plumbing systems which are necessary to support assistive equipment.

In-Home Services means the use of a trained, supervised agency employee or an individual (whom the Participant is able to self-direct) to assist the Participant to perform Multiple Basic Life Functions.

In-Home Personal Services Agency means an entity that provides in-home personal services for compensation by employees of the agency or by persons with whom the agency has contracted to provide such services.

In-Home Personal Services means attendant services and homemaker services that do not require the exercise of medical or nursing judgment provided to a Participant in their residence to enable them to remain safe and comfortable in such residence.

Long-Term Care Facility means an assisted-living facility, long-term care hospital, a nursing facility, rehabilitation hospital, centers for the developmentally disabled, mental health centers, skilled nursing facility which is licensed provider by the Nebraska Department of Health and Human Services or similar state licensing agency.

Long-Term Care Expense means the cost of the care provided in a Long-Term Care Facility and Long-Term Care Services or Personal Services which are provided in a Participant's Home when the Participant receiving the Care or Personal Services is unable to perform Multiple Basic Life Functions.

Long-Term Care Services means Adult Day Services, Respite Care Services, Hospice Services, Home Health Services, In-Home Services, and In-Home Personal Services.

Medical necessity is generally considered that which is reasonable, necessary or appropriate based on evidence-based clinical standards of care.

Multiple Basic Life Functions means Activities of Daily Living, Health Maintenance Activities and Personal Care or Services.

Participating Financial Institution means a state-chartered or federally chartered bank, savings bank, building and loan association, savings and loan association, credit union or a subsidiary of such a bank, association or credit union, that is in good standing with applicable regulatory authorities and not in receivership who has a Participation Agreement for Financial Institutions on file with the Nebraska State Treasurer.

Personal Care or Services means bathing hair care, nail care, shaving, dressing, oral care, and similar activities.

Therapeutic Services means any of the following services provided under a physician's plan of care at the Participant's Home on a full-time, part-time, or intermittent basis: skilled nursing care; physical therapy; speech pathology; occupational therapy; respiratory care; home health aide service; social work service; intravenous therapy; and dialysis.

03 Participant Eligibility and Designation

Participant Eligibility and Designation A Participant may be anyone who has a valid Social Security number or U.S. tax identification number. The Participant shall designate the names of the Beneficiaries and provide all other documentation and certifications requested by the Participating Financial Institution.

Account Agreement Each Participant must agree to be bound by an Account Agreement that specifies the terms and conditions under which the Participant shall participate in the Program. To the extent allowed by the Code and the Act, an Account Agreement maybe amended by the Participating Financial Institution upon prior notice to the Participant.

04 Qualified Distributions

Qualified Distributions withdrawals can be made by a Qualified Individual for purposes of Long-Term Care Expenses, including long-term care insurance if the participant has attained or exceeded the age of fifty years.

Non-Qualified Distributions by any Participant who is not a Qualified Individual who makes a withdrawal for any reason other than shall be subject to a 10% penalty on the amount withdrawn to be collected by the State Treasurer or an agent of the State Treasurer, such as the Department of Revenue per interagency agreement with the State Treasurer.

05 Contributions

Contributions & Maximum Contribution Limit All Contributions to Accounts shall be in Cash. Contributions to an Account may be made through an established periodic payment plan, through payroll deductions and other similar automatic deduction plans, through one or more lump-sum deposits and in means allowed by the Code, the Act, Participation Agreement, and the Account Agreement. Contributions may be made at any time, provided that (i) the total amount of Contributions to all Accounts maintained within the Plan for the same Participant do not exceed the Maximum Contribution Limit as defined by the Act; and (ii) no additional Contributions may be made to the Account for Participant when the fair market value of all accounts maintained with in the Plan plus the tendered Contribution exceeds the Maximum Contribution Limit.

Not Required Every Year A Participant shall not be required to make an annual Contribution to the Plan; however, if a Participant makes a Contribution, such Contribution shall comply with the Maximum Contribution Limit.

Contributions in excess of State Income Tax Deduction Participant Contributions in excess of the State Income Tax Deduction are allowed provided that the Contribution does not exceed the Maximum Contribution Limit set forth in the Act. Earnings from Contributions in excess of the State Income Tax Deduction compound free from Nebraska State Income Tax.

06 Change of Beneficiary

Change of Beneficiary A participant may change a Beneficiary as allowed by the Code and the Act, provided that the Participant complies with section 03 of these Rules and Regulations

07 Qualified Long-Term Care Expenses

Qualified Long-Term Care Expenses include expenses incurred by the Participant in a Long-Term Care Facility or by use of Long-Term Care Services, or In-Home Health Services when the Participant is unable to perform Multiple Basic Life Functions. Home Modifications and Assistive Technology Supports expenses that assist the Participant with the performance of Multiple Basic Life Functions are also allowed to be reimbursed under the Act.

08 Home Modifications and Assistive Technology Supports

Home Modifications and Assistive Technology Supports expenses that assist the Participant in the Home with Activities of Daily Living are permitted to be reimbursed under the Act.

Home Modifications are those physical adaptations to the home which enable the Participant to function with greater independence in the home. Approvable modifications are limited to those which are necessary to maintain the client in his/her home. Home modifications may include, but are not limited to, the installation of ramps and grab bars; widening of doorways; modification of bathroom facilities; or installation of specialized electric and plumbing systems which are necessary to support assistive equipment. Home modifications shall not include adaptations or improvements to the home which are of general utility, and are not of direct medical or remedial benefit to the participant, such as carpeting or roof repair.

Home Modifications standards

All general contractors shall meet all applicable federal, state, and local laws and regulations, including maintaining appropriate licenses and/or certifications. Home modifications will be provided in accordance with applicable local and state building codes. All modifications must be made by or overseen by appropriately licensed/certified persons.